

Introduced by Senator Harman

January 24, 2008

An act to amend Section 16164 of the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1120, as introduced, Harman. Foster children: Office of the State Foster Care Ombudsperson.

Existing law requires the Office of the State Foster Care Ombudsperson to be established in the State Department of Social Services with prescribed powers and duties relating to the management of foster children, including the dissemination of information on the rights of children and youth in foster care.

This bill would make technical, nonsubstantive changes to the law relating to the Office of the State Foster Care Ombudsperson.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16164 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 16164. (a) The Office of the State Foster Care Ombudsperson
- 4 shall do all of the following:
- 5 (1) Disseminate information on the rights of children and youth
- 6 youths in foster care and the services provided by the office. The
- 7 rights of children and youths in foster care are listed in Section
- 8 16001.9. The information shall include notification that
- 9 conversations with the office may not be confidential.

1 (2) Investigate and attempt to resolve complaints made by or
2 on behalf of children placed in foster care, related to their care,
3 placement, or services.

4 (3) Decide, in its discretion, whether to investigate a complaint,
5 or refer complaints to another agency for investigation.

6 (4) Upon rendering a decision to investigate a complaint from
7 a complainant, notify the complainant of the intention to
8 investigate. If the office declines to investigate a complaint or
9 continue an investigation, the office shall notify the complainant
10 of the reason for the action of the office.

11 (5) Update the complainant on the progress of the investigation
12 and notify the complainant of the final outcome.

13 (6) Document the number, source, origin, location, and nature
14 of complaints.

15 (7) (A) Compile and make available to the Legislature all data
16 collected over the course of the year, including, but not limited to,
17 the number of contacts to the toll-free telephone number, the
18 number of complaints made, including the type and source of those
19 complaints, the number of investigations performed by the office,
20 the trends and issues that arose in the course of investigating
21 complaints, the number of referrals made, and the number of
22 pending complaints.

23 (B) Present this compiled data, on an annual basis, at appropriate
24 child welfare conferences, forums, and other events, as determined
25 by the department, that may include presentations to, but are not
26 limited to, representatives of the Legislature, the County Welfare
27 Directors Association, child welfare organizations, children's
28 advocacy groups, consumer and service provider organizations,
29 and other interested parties.

30 (C) It is the intent of the Legislature that representatives of the
31 organizations described in subparagraph (B) consider this data in
32 the development of any recommendations offered toward
33 improving the child welfare system.

34 (D) The compiled data shall be posted so that it is available to
35 the public on the existing Web site of the State Foster Care
36 Ombudsperson.

37 (8) Have access to any record of a state or local agency that is
38 necessary to carry out his or her responsibilities, and may meet or
39 communicate with any foster child in his or her placement or
40 elsewhere.

1 (b) The office may establish, in consultation with a committee
2 of interested individuals, regional or local foster care ombudsperson
3 offices for the purposes of expediting investigations and resolving
4 complaints, subject to appropriations in the annual Budget Act.

5 (c) (1) The office, in consultation with the California Welfare
6 Directors Association, Chief Probation Officers of California,
7 foster youth advocate and support groups, groups representing
8 children, families, foster parents, children's facilities, and other
9 interested parties, shall develop, no later than July 1, 2002,
10 standardized information explaining the rights specified in Section
11 16001.9. The information shall be developed in an age-appropriate
12 manner, and shall reflect any relevant licensing requirements with
13 respect to foster care providers' responsibilities to adequately
14 supervise children in care.

15 (2) The office, counties, foster care providers, and others may
16 use the information developed in paragraph (1) in carrying out
17 their responsibilities to inform foster children and ~~youth~~ *youths* of
18 their rights pursuant to Section 1530.91 of the Health and Safety
19 Code, Sections 27 and 16501.1, and this section.